

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6076

BILL NUMBER: SB 126

DATE PREPARED: Oct 19, 2001

BILL AMENDED:

SUBJECT: Firearm Sales, Transfers, and Storage.

FISCAL ANALYST: Karen Firestone

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes it a Class A misdemeanor for a person to purchase or otherwise obtain more than one handgun during a calendar month. It also makes it a Class A misdemeanor for a person to sell or otherwise transfer ownership of a handgun to another person at a gun show unless the person is a licensed firearms dealer. The bill places restrictions on the transfer of firearms that have certain physical characteristics that could make the firearms dangerous to use. It makes it a Class A infraction for an adult to knowingly, intentionally, recklessly, or negligently store or leave a loaded handgun, or an unloaded handgun that is accompanied by ammunition, in a location where the adult knows or should reasonably know that an unsupervised child is likely to gain access to and handle the handgun if: (1) a child gains access to the handgun; and (2) the child violates the law concerning carrying a handgun without a license or uses the handgun to cause bodily injury to the child or to another person and a repeat offense is a Class A misdemeanor.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues: The bill would create a Class A infraction for leaving a handgun in a location where an adult should reasonably know that an unsupervised child is likely to gain access and the child violates IC 35-47-2-1 or causes bodily injury. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Also, the bill would create Class A misdemeanors for obtaining more than one handgun in a calendar year, transferring ownership of a handgun at a gun show unless the person is a licensed firearms dealer, or a repeat

offense of knowingly or intentionally leaving a gun in a location that an unsupervised child is likely to gain access. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. The bill would also create a Class C misdemeanor for transferring a firearm with certain physical characteristics. The maximum fine for a Class C misdemeanor is \$500.

Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail and a Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur from the Class A or Class C misdemeanors and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

If additional court actions are filed for the Class A infraction and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement.

Information Sources: